FOR MYSORE STATE

Home (1953) Department

Passed

Rt SERIES.

G.O No. 3422

Dated 2-11-53

[Despatch Abstract.]

Subbaraju, K. – Ex Constable 141 of South Kanara district – Removal from service – Petition to Govt for reinstatement Rejected

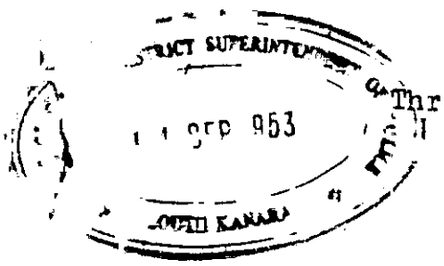
C.No. 493 / appeal / 53.

Re 191 / PR / 53

C.No 1040A / PR / 53 (1

To

The Private Secretary To The Chief Minister,
Law and Order, Government of Madras,
Fort St. George, M a d r a s.



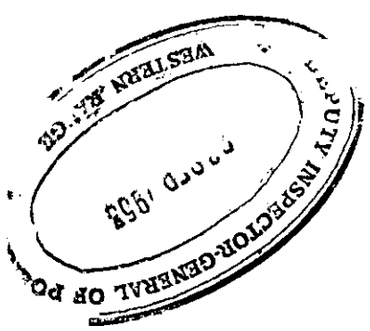
Through

The District Superintendent of Police,
South Kanara, Mangalore.

The Deputy Inspector General of Police,
Western Range, Coimbatore.

The Inspector General of Police,
M a d r a s.

Memorial submitted by K. Subbunhi, Ex Police Constable, No. 147 of South Kanara District dated 9th September 1953 now residing at Vombathkere, Ullal Post, South Kanara.



The memorialist begs to submit as follows:-

He had been a Constable enlisted on 4- 3- 1944 and at the time of m removal from the Force, he had been drawing a pay of Rs. 32- 8- 0 per month plus the sanctioned dearness allowance.

2. He had been removed from service on 12-12-1951 from the date of suspension for getting himself convicted on 5-4-1952 for an offence under Section 4 (a) of the Madras Prohibition Act, for being found in a state of intoxication in a public place on 2- 12- 1951. A kind perusal of the minute dated 18- 12- 1952 in C. No. 191 P.R. of 1952 may give you a complete story of the case.

3. Soon after the judicial conviction, a charge to show cause why the punishment of dismissal should not be inflicte was served upon the memorialist and a departmental enquiry

was held by the Deputy Superintendent of Police, who after appraising the evidence wrote the minute referred to above. The memorialist was ordered by the Deputy Inspector General of Police, then in charge of the District to show cause why the punishment of removal should not be inflicted. A copy of the memorialist's statement dated 26- 6- 1952 and a copy of the further representation dated 8- 11- 1952 are herewith submitted for favour of kind perusal.

4. The memorialist has not grounds to contend that the conviction had been improper or illegal. On account of hi bankruptness, he could not file an appeal. To defend himself in the Lower Court, the memorialist had not only to spend up to the last coin he had, but also to sell away the few jewels, the sole inheritance of his wife and children. He pointedly brought to the notice of the District Superintendent of Police and also in his appeal petitions to that of the Deputy Inspector General of Police and the Inspector General of Police, Madras, his sad plight, but to his ill-luck, those Officers rejected his appeal petitions. Further, the memorialist pointed out the instructions issued to the Departmental heads re the mode of punishment to be inflicted on the first offender for breach of the laws under the Madras Prohibition Act as directed ~~xxxxxxxx xxxxxx~~ in G.O.No. 320, Public (Services) dated 20- 1- 1950, symphatetically issued by the Chief Minister himself after he took up reins of administration, having anxiously considered the weakness of human nature and knowing well that persons in India who had been accustomed to wet themselves after a days hard work as a matter of necessity from time immemorial could not be reformed, innovated or mended over night. The memorialist taking shelter under this G.O. humbly begs to be reinstated.

(3

He had to pay very dearly for the sin or fault committed. He would solemnly give the assurance that he would not drink or take any intoxicating liquid.

5. The memorialist may be permitted to bring to your kind notice that among others, H.C. 254 and P.Cs. 905, 284 of this District who were charged recently for offences under the Madras Prohibition Act and convicted and sentenced to pay fine only were reinstated with a nominal departmental punishment. Memorialist finally begs that the same treatement may be generously extended to him.

Copies of the D. S. Ps.minutes and the orders of the D.I.G. and I.G. of Police on his appeal petitions are enclosed.

K. Subbaiah
9.9.53
Memorialist.

11
Submitted to the D.S.Police, Ellamanchili

R.C.No. 191/PR/53.

Forwarded to the Dy. Inspr.-Genl. of Police, Western Range, Coimbatore.

2) In para 5, the memorialist states that some of the H.Cs. and P.Cs. of this district who were involved in the prohibition case and fined for the same offence in court of law were not removed from service.

Punishments awarded to H.Cs. and P.Cs. referred to are furnished below:-

(a) H.C. 294 D. Janardhana, who was fined and sentenced to 3 months R.I. on 2-2-49 in C.C. 69/48 and on appeal the sentence was altered to a fine of Rs.50/- in C.A. No. 10/49 d/-22-4-49 by the Sessions Judge, was reduced to a rank of P.C. for a period of one year to be spent on duty after taking into consideration his prepresentation and the fact that he had no past bad record for over 16 years of service and has a good record as a detective.

(b) P.C. 905 A. Thimmappa Shetty of Armed Reserve, Mangalore was fined Rs.30/- in C.C. 112/53 dated 11-6-53 of A.F.C.M. Mangalore. Suitable departmental action was taken against him and his increment was postponed for a period of one year.

(c) P.C. 284 B. Krishnappa Belchada, who was fined Rs.30/- by the Extry. Sub Magistrate, Kasaragod in his C.C. 428/48 dated 1-8-49 was reduced in the time scale of pay from Rs.34/- to Rs.32/- for one year.

3) All the other points raised in the memorial are fully dealt with in the minute.

Mangalore,
20-9-53.
MKP/21/9.

Dt. Supdt. of Police, SK.

Subject:-Subbunhi, K Ex. Constable 147 of South Kanara district - Removal from service - Petition to Government for reinstatement.

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R.C.No.1040-A/PR/53.

Forwarded with copies of the orders petitioned against and a copy of the defaulter sheet of the petitioner.

2. A copy of the remarks of the District Superintendent of Police, South Kanara in his endorsement Rc.No.191/PR/53 dated 22-9-53 is enclosed.

3. Particulars in regard to the age and service of the petitioner are given below.

Age ... .. 31 years
(date of birth 26-2-22)

Date of enlistment. .. 4-3-44.

19283.5
13/10

Office of the
Inspr.-Genl. of Police,
P.B.No.601, Madras 4
Dated 12th Octr.1953.

S. Basheer Ahmad 10/10
for Inspr.-Genl. of Police.

To the Secretary to the Government of Madras, Home Department.

as.10.10.

10/10

23.10.53

[C.No. 192835 Pol II/53] Home Dept.

G.O.R.No. 3822 dt 2.11.53

Subbunhi, K-Ex. constable 147 of South Kanara dt - Removal from service - Petn. to Govt. for reinstatement - Rejected.

Read:- From the I.G of Police, R.C.No. 1040-A/P.R/53 dated 12.10.53.

Order:-

The petr. should be informed that the Govt. decline to interfere.

28.10.53 29.10.53 30.10.53

To

The I.G of Police, Madras 4.

(4 copies and pp 5-16 cf in orgl)

C.No.192835/Pol.II/53).

Home Department.

Subbunhi, K - Ex.Constable 147 of South Kanara dt. - Removal from Service - Petn. to Govt. for reinstatement

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From the I.G. of Police, R.C.No.1040/-A/PR/53 dated 12-10-53.

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In the petr. at pp.1-3 c.f. K. Subbunhi, ex p.c. No.147 of South Kanara dt., who was removed from service on the charge of for getting convicted under Sec.4(a) of the Madras Prohibition Act, on 5-4-52, for being found in a state of intoxication in a public place on 2-12-51", has requested that he may be reinstated in service

2. The facts of the case are as follows:--

The delinquent was a constable attached to Puttur Police Station. On 2-12-51, the Prohibition S.I. of Uppinangady found him in a state of intoxication, in a public place at Uppinangady, arrested him and charged him before the Addl. First Class Magistrate (Pro) South Kanara. On 5-4-52, the Magistrate found the delqt. guilty under sec.4(a) of the M.P.Act and sentenced him to pay a fine of Rs.55/- in in default to suffer R.I. for 1 month, in CC.1459/51 dated 5-4-52. The delqt. paid the fine and did not appeal against the conviction and sentence.

An oral enquiry was held and the enquiring officer held the charge to have been fully proved. The ex.p.c. did not plead against it. After examining the further representation of the petr., the D.S.P., removed the petr. from service. vide - copy of the minute and order of the D.S.P. at pp.5-6 c.f. The petr's appeal to the D.I.G. and further petn. to the I.G. were rejected in the proceedings at pp.7 and 9 c.f. respy.

3. In his petn. at pp.1-3 c.f., the petr. has represented that H.C.254, and P.Cs.905, 284 of South Kanara dt. who were charged and convicted and sentenced under the to fine

Madras Prohibition Act have been reinstated in service with a nominal punishment and that his case may also be treated similarly. On this point the D.S.P. has reported as follows:--

(a) H.C.254 C. Janardhana, who was fined and sentenced to 3 months R.I. on 2-2-49 in C.C.69/48 and on appeal the sentence was altered to a fine of Rs. 50/- in C.A.No.10/49 dated 22-4-49 by the Sessions Judge, was reduced to a rank of P.C. for a period of one year to be spent on duty, after taking into consideration his representation and the fact that he had no past bad record for over 16 years of service and has a good record as a detective.

(b) P.C.905 A. Thimmappa Shetty of Armed Reserve, Mangalore was fined Rs.30/- in C.C.112/53 dated 11-6-53 of A.F.C.M. Mangalore. Suitable departmental action was taken against him and his increment was postponed for a period of one year; and

(c) P.C. 284 B. Krishnappa Belchada, who was fined Rs.30/- by the Stny. Sub Magistrate, Kasaragod in his C.C.428/48 dated 1-8-49 was reduced in the time scale of pay from Rs.34/- to Rs.32/- for one year."

cf. para 2, p 17 cf

The D.S.P. has not, however, stated the reasons as to why the petr's case was dealt with differently from that of others referred to by the petr. A copy of the defaulter sheet of the petr. is at pp.15-16 c.f. The petr. is aged about 31 years and 8 months and had put in a service of 8 years and 9 months at the time of his dismissal. There was no procedural irregularity in connection with his removal from service.

p 17 cf

cf para 3, p 19 cf

4. No appeal lies to Govt. in this case. The

The petrn. is liable to summary rejection under instruction XVII (7) of the instructions for the Submission of petitions to Govt. For orders.

26.10.53 29.10.53

May be rejected

28.10.53 29.10.53

A draft order is subd for approval.

30/10

(Issued as G.O.R. No. 3822 Home dated 2.11.53)